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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,241	10/17/2001	Robbert Christiaan Van Ommering	PHNL 000550	7627

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/982,241

Applicant(s)

VAN OMMERING, ROBBERT
CHRISTIAAN

Examiner

Lewis A. Bullock, Jr.

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 2,8,10 and 11 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 2,8,10 and 11.

Claim(s) rejected: 1,3-7 and 9.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 5/11/05

13. ☐ Other: _____.


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant arguments are unpersuasive. Applicant mainly argues that Wold does not teach sub-modules corresponding to hardware components and connected via data channels in conformity with the real signal leads between the hardware components. Applicant states that Wold only teaches the connection of software. The examiner disagrees. Wold discloses at column 19, lines 28-51 that the invention is adapted to run on embedded processors in hardware devices. In this context, the invention provides a uniform method of connecting together all hardware devices. In this kind of implementation, the device's physical inputs and outputs will correspond to the Input objects and Output objects described above (there will also be software modules inside such hardware devices which directly connect through Input objects and Output objects without passing through hardware interface). Physical connections between the devices can be made by means of plugable wires which can be changed by means of simply unplugging and plugging the cables as desired. Based on this text it is clear that the system of Wold has sub-modules corresponding to hardware components connected via data channels in conformity with the real signal leads between the hardware components. Applicant also argues that the examiner is not viewing claim 9 within the proper context and that the teachings of claim 9 are not well known in the art. The examiner disagrees. Claim 9 details that hardware switches can establish connection through the inputs and outputs to the sub-modules and the hardware components. Applicant states in the response that the switches in claim 9 correspond to sub-modules and can be used to establish connections between the hardware devices and software modules. However, the claims do not allude to the hardware switches being sub-modules. As proper under M.P.E.P. 2111, claims are given their broadest reasonable interpretation. Further, even if the Applications definition was claimed, Wold states at column 11, lines 16-25, a communications software module in each processor that handles the details of determining the address of all remote system devices to create at least one Input object and at least one Output object to facilitate data transfers between other applications executing on the same processor. Wold also discloses a form of a switch device used to connect sub-modules / hardware components by stating that a signal merging device would be used to essentially perform a logical OR function for the fan-in input of communication between hardware devices (col. 20, lines 4-13). U.S. Patent 4,698,766, herein Entwistle cited in the Information Disclosure Statement filed 5/11/05 also teaches sub-modules associated with hardware modules (various systems / circuits) that set up communication with each other through a switch (col. 4, line 48 - col. 6, line 2). In addition a switch is defined as an overall hardware device that controls communications with another device, i.e. switch. See the definition as provided with the final rejection. Larsson (U.S. Patent 6,389,483) cited in the Notice of References Cited mailed 4/6/05, discloses class 5 telecommunications switches, such as AT&T's 4ESS system that comprises complex telecommunication hardware and software wherein the software requires each block or module to have a Signal Sending Table to decouple it from other blocks or modules and provide linking information for signals sent from a module, specifying the receiving module the signals are intended to be sent to (col. 2, lines 22-49). The switches can equate to the hardware devices of Wold. Therefore, the examiner believes that the teachings of Wold either directly or indirectly are met by the rejection as detailed in the final rejection.